

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6529**

**BILL NUMBER: SB 281**

**NOTE PREPARED:** Feb 21, 2008

**BILL AMENDED:**

**SUBJECT:** Convictions and Elections.

**FIRST AUTHOR:** Sen. Mrvan

**FIRST SPONSOR:** Rep. L. Lawson

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** No Fiscal Impact

**Summary of Legislation:** This bill reconciles certain inconsistent provisions in current law regarding: (1) the definition of "felony"; and (2) when a certified copy of the sentencing order issued in connection with the removal of a public officer must be filed.

**Effective Date:** July 1, 2008.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** Under current law, it is possible that either an elected official or a candidate for state or local office could be disqualified for committing a Class A misdemeanor even though only persons convicted of a felony are disqualified. This is because IC 3-8-1.5 defines a felony as a conviction for which the convicted person might be imprisoned for at least one year.

Class A misdemeanors are crimes that are punishable by a fixed term of imprisonment of not more than one year and a monetary fine of not more than \$5,000. (IC 35-50-3-2) Consequently, it is possible that a candidate for public office or a person already elected may be disqualified from either running for election or serving in a state or local office because the person was sentenced for a one-year term of imprisonment as a Class A misdemeanor.

This bill specifies that felonies apply only to crimes for which a convicted person may be sentenced for more than one year in prison. Consequently, public officers and candidates who have committed Class A

misdemeanors would not be affected.

**Explanation of Local Revenues:**

**State Agencies Affected:** State offices.

**Local Agencies Affected:** County, township, city, or town offices.

**Information Sources:** Indiana Code.

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